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BY WU

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
December 2012 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY ANDREW SMITH,  
aka kitebladier,

Defendant.

Case No. 13CR2387-JM

I N D I C T M E N T  
Superseding

Title 18, U.S.C., Sec. 2251(a) and  
(e) - Sexual Exploitation  
of a Child; Title 18, U.S.C.,  
Sec. 2252(a)(2) - Receipt of  
Material Involving the Sexual  
Exploitation of Minors; Title 18,  
U.S.C., Sec. 2252(a)(4)(B) -  
Possession of Material Involving  
the Sexual Exploitation of Minors;  
Title 18, U.S.C., Sec. 2253(a)  
and (b) - Criminal Forfeiture

The grand jury charges:

Count 1

On or about and between May 16, 2012, and November 8, 2012,  
within the Southern District of California and elsewhere, defendant  
JEREMY ANDREW SMITH, aka kitebladier, did employ, use, persuade,  
induce, entice and coerce a minor (LM) to engage in sexually explicit  
conduct for the purpose of producing a visual depiction of such  
conduct, to wit: clip0166, and for the purpose of transmitting a live  
visual depiction of such conduct, which visual depiction has actually  
been transported and transmitted using any means or facility of  
interstate or foreign commerce and in and affecting interstate and

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1 foreign commerce and mailed; in violation of Title 18, United States  
2 Code, Sections 2251(a) and (e).

3 Count 2

4 On or about and between May 16, 2012, and November 8, 2012,  
5 within the Southern District of California and elsewhere, defendant  
6 JEREMY ANDREW SMITH, aka kitebladier, did employ, use, persuade,  
7 induce, entice and coerce a minor (LM) to engage in sexually explicit  
8 conduct for the purpose of producing a visual depiction of such  
9 conduct, to wit: clip0196, and for the purpose of transmitting a live  
10 visual depiction of such conduct, which visual depiction has actually  
11 been transported and transmitted using any means or facility of  
12 interstate or foreign commerce and in and affecting interstate and  
13 foreign commerce and mailed; in violation of Title 18, United States  
14 Code, Sections 2251(a) and (e).

15 Count 3

16 On or about and between June 12, 2012, and November 8, 2012,  
17 within the Southern District of California and elsewhere, defendant  
18 JEREMY ANDREW SMITH, aka kitebladier, did employ, use, persuade,  
19 induce, entice and coerce a minor (LM) to engage in sexually explicit  
20 conduct for the purpose of producing a visual depiction of such  
21 conduct, to wit: clip0202, and for the purpose of transmitting a live  
22 visual depiction of such conduct, which visual depiction has actually  
23 been transported and transmitted using any means or facility of  
24 interstate or foreign commerce and in and affecting interstate and  
25 foreign commerce and mailed; in violation of Title 18, United States  
26 Code, Sections 2251(a) and (e).

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Count 4

On or about and between June 12, 2012, and November 8, 2012, within the Southern District of California and elsewhere, defendant JEREMY ANDREW SMITH, aka kitebladier, did employ, use, persuade, induce, entice and coerce a minor (LM) to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, to wit: clip0206, and for the purpose of transmitting a live visual depiction of such conduct, which visual depiction has actually been transported and transmitted using any means or facility of interstate or foreign commerce and in and affecting interstate and foreign commerce and mailed; in violation of Title 18, United States Code, Sections 2251(a) and (e).

Count 5

On or about and between June 15, 2012, and November 8, 2012, within the Southern District of California and elsewhere, defendant JEREMY ANDREW SMITH, aka kitebladier, did employ, use, persuade, induce, entice and coerce a minor (LM) to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, to wit: clip0217, and for the purpose of transmitting a live visual depiction of such conduct, which visual depiction has actually been transported and transmitted using any means or facility of interstate or foreign commerce and in and affecting interstate and foreign commerce and mailed; in violation of Title 18, United States Code, Sections 2251(a) and (e).

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Count 6

On or about November 6, 2012, within the Southern District of California, defendant JEREMY ANDREW SMITH, aka kitebladier, did knowingly receive a visual depiction, that is a digital and computer image, to wit: pthc 10y girl in pool and room nude show (expuntitos)(4).flv, using any means and facility of interstate and foreign commerce and that has been mailed, shipped and transported in and affecting interstate and foreign commerce, and which contains materials which have been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depiction was of such conduct; in violation of Title 18, United States Code, Section 2252(a)(2).

Count 7

On or about November 8, 2012, within the Southern District of California, defendant JEREMY ANDREW SMITH, aka kitebladier, did knowingly possess one or more matters, that is a Cooler Master Tower Computer, which contained visual depictions that had been mailed, shipped and transported in interstate and foreign commerce, and which were produced using materials which have been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depictions were of such conduct; in violation of Title 18, United States Code, Section 2252(a)(4)(B).

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Count 8

On or about November 8, 2012, within the Southern District of California, defendant JEREMY ANDREW SMITH, aka kitebladier, did knowingly possess one or more matters, that is an Alienware Laptop computer, which contained visual depictions that had been mailed, shipped and transported in interstate and foreign commerce, and which were produced using materials which have been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depictions were of such conduct; in violation of Title 18, United States Code, Section 2252(a)(4)(B).

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2. Upon conviction of one or more of the offenses alleged in Counts 1 through 8, which involve violations of Title 18, United States Code, Sections 2251(b) and (e), 2252(a)(2) and Sections (a)(4), defendant JEREMY ANDREW SMITH, aka kitebladier, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253(a) all right, title and interest in:

b. any property, real or personal, constituting or traceable to gross profits of the offense; and

i. Any and all images of child pornography, as defined in Title 18, United States Code, Section 2256.

iii. Alienware laptop computer

v. Apple iPad3

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1 3. If any of the forfeitable property described above in  
2 Paragraph 2, as a result of any act or omission of the defendant:

3 a. cannot be located upon the exercise of due diligence;

4 b. has been transferred or sold to, or deposited with, a third  
5 party;

6 c. has been placed beyond the jurisdiction of the Court;

7 d. has been substantially diminished in value; or

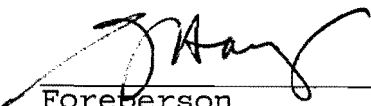
8 e. has been commingled with other property which cannot be  
9 subdivided without difficulty;

10 it is the intent of the United States, pursuant to Title 18,  
11 United States Code, Section 2253(o), to seek forfeiture of any other  
12 property of the defendant up to the value of the forfeitable property  
13 described above in Paragraph 2.


14 All pursuant to Title 18, United States Code, Sections 2253(a)  
15 and (b).

16 DATED: October 30, 2013.

17 A TRUE BILL:

18   
19 Foreperson  
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21 LAURA E. DUFFY  
22 United States Attorney

23 By:   
24 HELEN H. HONG  
25 Assistant U.S. Attorney  
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